

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

OAHU TRANSIT SERVICES, INC.,
dba THEBUS

Petitioner,

vs.

HAWAII TEAMSTERS AND
ALLIED WORKERS, LOCAL 996,

Respondent.

CIVIL NO. _____

**DECLARATION OF RALPH E.
FAUFATA, JR.; EXHIBITS 1 - 2**

DECLARATION OF RALPH E. FAUFATA, JR.

I, Ralph E. Faufata, Jr., hereby declare:

1. I am competent to testify as to matters set forth herein, and I do so based on my person knowledge and belief.
2. I have worked at Oahu Transit Services, Inc. ("OTS") for approximately 34 years. Since 2008 I have held the position of Vice President of Transportation, with responsibility for OTS's on-street operations and overseeing approximately 900 bus operators and 518 buses that perform those operations. Among other things, I am involved in the discipline of bus operators and participate in the grievance and arbitration process arising from the discipline.
3. OTS is a domestic nonprofit corporation registered to do business in, and running bus operations in, the State of Hawaii.

4. OTS's bus operators, such as Scot Park ("Park"), are represented by Hawaii Teamsters and Allied Workers Local 996 ("Union").

5. On June 30, 2008, OTS and the Union entered into a Collective Bargaining Agreement ("CBA"), effective July 1, 2008 to June 30, 2013. A true and correct copy of the CBA is attached hereto as Exhibit "1".

6. During his tenure at OTS, Park was involved in several incidents occurring over a two-year period that each led to disciplinary action. The Union filed grievances on behalf of Park for each of the five (5) disciplinary actions in accordance with Section 9 of the CBA. After Steps 1 and 2 of the grievance process in each of the grievances did not lead to a resolution that was satisfactory to the Union and Park, on or about March 2, 2011, June 21, 2011, August 4, 2011, January 19, 2012 and June 29, 2012, the Union submitted separate Demands for Arbitration on behalf of Park to arbitrate the five (5) grievances against OTS in accordance with Section 9.3.3 of the CBA.

7. For each of the grievances, OTS and the Union agreed to the appointment of Daniel A. Bent ("Arbitrator"), in accordance with Section 10.2 of the CBA, to serve as the arbitrator.

8. The Union and OTS agreed to have the Arbitrator hear all of the grievances in one proceeding and arbitration hearings were held at OTS's Executive Conference Room on May 23, May 24, May 25, June 1 and June 8,

2012.

9. After the close of the arbitration proceeding and the submission of Post-Arbitration Briefs by the Union and OTS, the Arbitrator issued his Decision and Award on October 22, 2012, in accordance with Section 10.2 and 10.5 of the CBA. I received a copy of the Decision and Award on or about October 22, 2012. In the Decision and Award, the Arbitrator denied all of the Union's grievances, finding that OTS had just cause to discipline Park. A true and correct copy of the Decision and Award is attached hereto as Exhibit "2".

10. To the best of my knowledge, neither the Union nor Park has filed an appeal or sought to vacate the Decision and Award in state or federal court.

I, RALPH E. FAUFATA, JR., declare, verify, certify and state under penalty of perjury that the foregoing is true and correct.

DATED: Honolulu, Hawaii; June 21, 2013.


RALPH E. FAUFATA, JR.

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